STANDARD FORM NO. 64 Approved For Release 2001/08/27 : CIA-RDP57-00384R001300360020-9

Tort Claims

# Office Memorandum • UNITED STATES GOVERNMENT

OGC HAS REVIEWED.

TO : Files DATE: 22 March 1948

FROM : Assistant General Counsel

SUBJECT:

1. In a discussion between the undersigned and Mr. Foley, Chief of the Section of the Claims Division of the Department of Justice which handles cases arising out of the Federal Tort Claims Act of 1946, Mr. Foley gave as his opinion:

(a) That in an accident case where there has apparently been no negligence on either side, the agency is within its rights to reject the claim;

(b) That in rejecting such claims, it is agency practice to reject them out of hand without assigning any reason therefor; and

(c) That it is the present opinion and holding of his Section that if an insurance company brings suit as a subrogee, the claim will be rejected on the basis that the subrogee has no rights under the Federal Tort Claims Act of 1946.

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W. L. Harrzheimer

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